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November 2, 2020

Via ECF

The Honorable Sanket J. Bulsara  
United States Magistrate Judge  
United States District Court

**Re:** *Kelly Irish v. Tropical Emerald LLC and Rainbow USA, Inc.*

**Docket No. 1:18-cv-00082-PKC-SJB**

Dear Judge Bulsara:

We represent the plaintiff in the above-entitled action. We write to respectfully ask the Court to deny defendants' application to compel the deposition of plaintiff's expert. Plaintiff has no objection to the Court denying the defendants' proposal to engage in further expert disclosure and discovery. Absent the Court granting any further expert proceedings, defendants' request for expert discovery violates Your Honor's directives.

On October 15, 2020, Your Honor identified the scope of the remaining discovery as "the sole purpose of closing discovery was to finish potentially the plaintiff's deposition, which is going to be brief, and the deposition of the two other -- of the two defendants witnesses." See Exhibit "1", page 7, lines 21 to 25. Your Honor extended discovery for 30 days and limited the remaining discovery "for the two defendants -- the two witnesses who are going to be deposed on the same day." *Id.* at page 10. The only potential future discovery (production of plaintiff's medical records, re-deposing plaintiff, and expert disclosures from Dominic Marinelli on behalf of the defendant) are currently the subject of motion practice before Your Honor.

Just as plaintiff cannot serve new discovery demands or take more than the two defendant depositions, defendants cannot take the deposition of plaintiff's expert. Accordingly, defendants' application must be denied so that discovery can be brought to a timely conclusion in accordance with Your Honor's directives. Thank you for your time and attention to this matter. With kindest regards, I am

very truly yours,

/s/

Glen H. Parker, Esq.